



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JUN 02 2008

REPLY TO THE ATTENTION OF:

AE-17J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Robert McLaughlin
Engineering/Maintenance Manager
Bremner Food Group, Inc.
1450 Pate Plaza Drive
South Beloit, Illinois 61080

Dear Mr. McLaughlin:

The U.S. Environmental Protection Agency is issuing the enclosed Notice of Violation (NOV) to Bremner Food Group, Inc. (you) under Section 113(a)(1) of the Clean Air Act (the Act), 42 U.S.C. § 7413(a)(1). We find that you are in violation of Section 110 of the Act, 42 U.S.C. § 7410, and the Illinois State Implementation Plan at your South Beloit, Illinois facility.

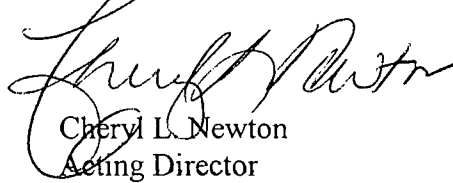
We have several enforcement options under Section 113(a)(1) of the Act, 42 U.S.C. § 7413(a)(1). These options include issuing an administrative compliance order, issuing an administrative penalty order, and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the NOV. The conference will give you the opportunity to present information on the specific findings of violation, the efforts you have taken to comply, and the steps you will take to prevent future violations.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Ray Cullen. You may call him at (312) 886-0538 to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,



Cheryl L. Newton
Acting Director
Air and Radiation Division

Enclosure

cc: Ray Pilapil, Chief
Compliance and Systems Management Section
Illinois Environmental Protection Agency

Protecting the environment is everyone's responsibility. Help EPA fight pollution by reporting possible harmful environmental activity. To do so, visit EPA's website at <http://www.epa.gov/compliance/complaints/index.html>.

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:	
Bremner Food Group, Inc. South Beloit, Illinois	NOTICE OF VIOLATION
	EPA-5-08-IL-17
Proceedings Pursuant to Section 113(a)(1) of the Clean Air Act, 42 U.S.C. § 7413(a)(1)	

NOTICE OF VIOLATION

The U.S. Environmental Protection Agency finds that Bremner Food Group, Inc. (Bremner) is violating Section 110 of the Clean Air Act (the Act), 42 U.S.C. § 7410. Specifically, Bremner is violating the Illinois State Implementation Plan (SIP) at its South Beloit, Illinois facility, as follows:

Statutory and Regulatory Authority

- 1) On May 31, 1972, EPA approved Illinois Pollution Control Board (IPCB) Rules 101 and 103 as part of the federally enforceable Illinois SIP. 37 Fed. Reg. 10862 (May 31, 1972).
- 2) IPCB Rule 101 defines a “new emission source” as any emission source that commences construction or modification on or after April 14, 1972. IPCB Rule 101 is now set forth at 35 Illinois Administrative Code (IAC) § 201.102.
- 3) IPCB Rule 101 defines an “emission source” as any equipment or facility of a type capable of emitting specified air contaminants to the atmosphere.
- 4) IPCB Rule 103(a)(1) states that no person shall cause or allow the construction of any new emission source or any new air pollution control equipment, or cause or allow the modification of any existing emission source or air pollution control equipment, without first obtaining a construction permit from the Illinois Environmental Protection Agency (the Agency). IPCB Rule 103(a)(1) is now set forth at 35 IAC § 201.142.
- 5) On March 3, 2000, EPA approved 35 IAC §§ 201.152 and 201.157 as part of the federally enforceable Illinois SIP. 65 Fed. Reg. 14 (January 3, 2000).
- 6) IAC § 201.152 states, in part, that an application for a construction permit shall contain, at a minimum, the nature, specific points of emissions, and quantities of uncontrolled and

controlled air contaminant emissions at the source that includes the emission unit or air pollution control equipment.

- 7) IPCB Rule 103(b)(1) states that no person shall cause or allow the operation of any new emission source or new air pollution control equipment of a type for which a construction permit is required by paragraph (a) of IPCB Rule 103 without first obtaining an operating permit from the Agency. IPCB Rule 103(b)(1) is now set forth at 35 IAC § 201.143.
- 8) IAC § 201.157 states, in part, that an application for an operating permit shall contain, at a minimum, the data and information specified in IAC § 201.152.

Finding of Fact

- 9) Bremner owns and operates a private label cookie manufacturing facility located at 1450 Pate Plaza Drive, South Beloit, Illinois (the facility).
- 10) Bremner began operating the facility in October 2005.
- 11) The facility consists of three production lines, each with a natural gas-fired oven.
- 12) Each production line at the facility emits uncontrolled volatile organic chemicals (VOCs) from the ovens.
- 13) The facility is a "new emission source," as that term is defined at 35 IAC § 201.102.
- 14) The Illinois Environmental Protection Agency issued a lifetime operating permit to the facility on September 30, 2005.
- 15) The facility's lifetime operating permit does not account for VOCs emitted from the ovens.

Violation

- 16) Bremner failed to account for all potential emissions that could be emitted from its facility when it applied for its construction and operating permits, in violation of 35 IAC §§ 201.152 and 201.157, and Section 110 of the Act, 42 U.S.C. § 7410.

Date

6/2/08

Cheryl L. Newton

Acting Director

Air and Radiation Division

CERTIFICATE OF MAILING

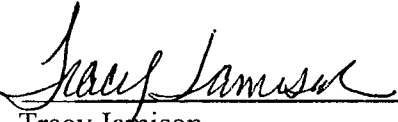
I, Tracy Jamison, certify that I sent a Notice of Violation, No. EPA-5-08-IL-17, by Certified Mail, Return Receipt Requested, to:

Robert McLaughlin
Engineering/Maintenance Manager
Bremner Food Group, Inc.
1450 Pate Plaza Drive
South Beloit, Illinois 61080

I also certify that I sent copies of the Notice of Violation by first class mail to:

Ray Pilapil, Chief
Compliance and Systems Management Section
Illinois Environmental Protection Agency
1021 North Grand Avenue
Springfield, Illinois 62702

on the 03 day of JUNE, 2008.


Tracy Jamison,
Administrative Automation Clerk
AECAS, (MI/WI)

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0006 0185 9310